

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JAMES DERRICK O'NEAL	*	
Petitioner,	*	Case No. 02-cv-357
vs.	*	DISTRICT JUDGE WATSON
MARGARET A. BAGLEY, Warden	*	MAGISTRATE JUDGE MERZ
Respondent.	*	

**NOTICE OF FILING
OF STATE TRIAL COURT DECISION
IN ATKINS CLAIM**

Now comes Respondent Warden and hereby notifies the Court and counsel of the second determination by the state trial court of petitioner's *Atkins* claim, dated September 26, 2005. The Judgment Entry and Decision are attached hereto as Attachment A, and the state court docket sheet as of October 24, 2005 is Attachment B.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Filing of State Court Decision has been filed electronically to **John J. Gideon**, and to **Michael W. Krumholtz**, on this 24th day of October, 2005.

s/Stephen E. Maher
Stephen E. Maher
Trial Counsel
Assistant Attorney General